

Opening Statement
Ranking Member Alan S. Lowenthal
Energy and Mineral Resources Subcommittee Legislative Hearing on

H.R. _____, “Community Reclamation Partnerships Act”

May 24, 2017

Thank you, Mr. Chairman.

The draft of the bill before us today is an interesting and potentially promising tool to help address one of the big questions that confronts the issue of cleaning up abandoned mines.

Namely, how can we allow Good Samaritans – people who had nothing to do with causing the pollution – how can we allow them to help with cleaning up these sites?

There is no question that help is needed.

Reclaiming all of the remaining abandoned coal mines in this country would cost an estimated ten billion dollars.

Reclaiming our abandoned hardrock mines would be even more expensive, with an estimated cost of anywhere from twenty to fifty-four billion dollars. The Gold King Mine incident was just the most visible example of why this immense responsibility needs to be taken on in a serious way, and it needs to be done soon.

Volunteers, whether we call them Good Samaritans, Community Reclaimers, or anything else, will simply not be enough to tackle this problem.

Coal companies, at least, chip in to the Abandoned Mine Land fund to help address the legacy of centuries of unreclaimed coal mines.

Unfortunately, hardrock mining companies do not contribute to help cover the enormous cost of cleaning up their own legacy of pollution, which are the over half-million abandoned gold, silver, copper, and other mines that each day poison rivers and streams throughout the country with millions of gallons of toxic water containing lead, arsenic, cadmium, and other metals.

The hardrock mining industry has also continually fought efforts to hold them accountable for these sites. That needs to change.

Last Congress, Ranking Member Grijalva and I introduced the Hardrock Mining Reform and Reclamation Act, which among other things would require the hardrock mining industry to pony up and pitch in like the coal industry has done. Frankly, that is the only way that we will make a significant dent in this problem.

Particularly since the Administration has decided that cleaning up abandoned hardrock mines isn't a priority. The President has proposed a cut of nearly \$11 million dollars for the Bureau of Land Management's Abandoned Mine Lands program, more than half of the budget of that already underfunded program.

Mr. Chairman, I hope that this is an issue that we can look at in more depth this Congress.

As for the bill we are discussing today, this is a novel approach to addressing the Good Samaritan issue, and I thank Mr. LaHood for proposing it and the Chairman for holding a hearing on it.

Having Community Reclaimers partner with states under their Abandoned Mine Land programs could potentially provide the liability protections that these Good Samaritans need to undertake a number of helpful projects.

However, I don't believe it is entirely clear how this bill would work. It appears that the bill would provide a broad waiver for projects that don't meet Clean Water Act standards if there is a memorandum of understanding between the state and the federal government.

Unfortunately, there is very little detail in the bill about what these memoranda would contain. The only requirement seems to be that the Secretary of the Interior and the Administrator of the Environmental Protection Agency find that a memorandum would help facilitate additional work under the State's Abandoned Coal Mine Reclamation Plan.

But there are a lot of ways that you could do that. And it's not clear if there are protections to keep coal companies from using this as a way to re-mine old sites without having to comply with the Clean Water Act.

I understand that isn't the intent of this bill, so I hope we can work together, guided by some of the comments in the testimony provided by our witnesses today, to craft something that is bipartisan and can have a real and lasting positive impact.

Thank you to the witnesses for being here, and I yield back the balance of my time.